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January 11, 2018

By ECF

The Honorable William H. Pauley, III
U.S. District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 1920
New York, NY 10007

*Re: Cohen v. Casper Sleep Inc. and NaviStone, Inc., No. 1: 17-cv-09325 (S.D.N.Y.);
Cohen v. Charles Tyrwhitt, Inc. and NaviStone, Inc., No. 1:17-cv-09389 (S.D.N.Y.); and
Cohen v. New Moosejaw, LLC and NaviStone, Inc., No. 1: 17-cv-0391 (S.D.N.Y.)*

Dear Judge Pauley:

I represent Plaintiff Brady Cohen and write in response to the January 4, 2018 pre-motion letter (the “Letter”) filed by Defendant NaviStone, Inc. in anticipation of its forthcoming motions to dismiss the three above-referenced actions. Plaintiff will oppose each motion.

NaviStone’s Letter fails to comply with Your Honor’s Individual Rules of Practice. Specifically, Individual Rule of Practice III.A.ii requires that “the moving party must submit a letter, three pages or less, setting forth the basis for the anticipated motion.” But NaviStone’s letter fails to cite any authorities and is devoid of any legal or factual analysis. Plaintiff therefore cannot substantively respond to NaviStone’s arguments, because NaviStone’s letter does not set forth any arguments. It fails to set forth the basis for the anticipated motions.

The Court should therefore strike the Letter, and order NaviStone to re-submit a letter that sets forth the factual and/or legal basis underlying its arguments for dismissal in accordance with Your Honor’s Individual Rules of Practice.

Very truly yours,

A handwritten signature in blue ink that reads "Scott A. Bursor".

Scott A. Bursor

CC: All counsel of record (via ECF)